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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,444	10/31/2003	Debargha Mukherjee	10017341-1	3271

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/699,444	<b>Applicant(s)</b> MUKHERJEE ET AL.	
	<b>Examiner</b> Backhean Tiv	<b>Art Unit</b> 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03, 6/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

Claims 1-34 are pending in this application.

***Information Disclosure Statement***

The IDS filed on, 10/31/03 and 6/18/07, have been considered.

***Drawings***

The Drawings filed on 10/31/2003 are acceptable.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-9 recites the limitation "the requested subparts". There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the accessed subparts". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,490,627 issued to Kalra et al.(Kalra) in view of US Publication 2004/0070786 issued to Molteno.

As per claims 1, 10,16,22,27, Kalra teaches a communications method comprising:

- providing scalable media data(Abstract);
- organizing the scalable media data into a plurality of subparts(Fig.2A, col.5, lines 4-23);
- access a plurality of receiving attributes for respective ones of the participants(Abstract, col.2, lines 8-13);
- after the providing the data requests, scaling respective ones of the requested subparts of the scalable media data according to receiving attributes of the respective participants(Abstract, col.2, lines 8-13, 28-44); and
- communicating the scaled subparts to respective ones of the participants(col.2, lines 28-44).

Kalra however does not explicitly teach providing a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data; a plurality of participant means individually for communicating received media data to respective users, for receiving a plurality of inputs from the users.

Molteno teaches providing a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data(Abstract, para.0013); a plurality of participant means individually for communicating received media data to respective users, for receiving a plurality of inputs from the users(para. 0013).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra to include providing media during user interaction with media as taught by Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

One ordinary skill in the art would have been motivated to combine the teachings of Kalra and Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

As per claim 2, the method of claim 1 further comprising accessing random subparts corresponding to the data requests, and wherein the scaling comprising scaling the accessed subparts(Molteno, para.0013). Motivation to combine set forth in claim 1.

As per claim 3, the method of claim 1 wherein the receiving attributes relate to unique parameters of the participants with respect to at least one communications bandwidth, display resolution, and processing capacity(Kalra, Abstract, Molteno, para.0006). Motivation to combine set forth in claim 1.

As per claim 4, the method of claim 1 further comprising communicating an initial one of the subparts to the participants, and wherein the receiving is responsive to the communicating(Molteno, para.0006,0013). Motivation to combine set forth in claim 1.

As per claim 5, 12,24,31, wherein the initial one of the subparts corresponds to an initial visual image to be depicted by the participants, and the forwarding of the initial one of the subparts comprises forwarding a plurality of data streams of different amounts of data corresponding to the receiving attributes of the respective participants(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 1.

As per claim 6, the method of claim 5 further comprising depicting the initial visual image at a plurality of different resolutions using the participants and responsive to the data streams comprising different amounts of data(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 1.

As per claims 7,13 further comprising depicting visual images of the media data using the participants, wherein the initial one of the subparts comprises an initial visual image, and the data requests correspond to interactive commands generated by the participants requesting additional views of the initial visual image(Molteno, para.0006, 0013,0015). Motivation to combine set forth in claim 1.

As per claims 8,20,25,33, the method of claim 1 further comprising: accessing an index of the scalable media data responsive to the user interaction(Molteno, para.0022); and identifying the respective ones of the requested

subparts using the index(Molteno, para.0022). Motivation to combine set forth in claim 1.

As per claims 9,17,26, the method of claim 1 wherein the providing the scalable media data comprises providing scalable media data configured to be scaled according to at least one scalability attribute, and the scaling comprises matching the, scalability attribute and the respective ones of the receiving attributes for the respective participants and the respective ones of the receiving attributes to scale the identified subparts(Kalra, Abstract, col.2, lines 27-44). Motivation to combine set forth in claim 1.

As per claim 11, the organizer of claim 10 further comprising storage circuitry configured to store the scalable media data(Kalra, Fig.2B, col.2, lines 27-44). Motivation to combine set forth in claim 1.

As per claim 14, the organizer of claim 10 wherein the processing circuitry is configured to access an index using the data requests to identify the subparts(Molteno, para.0022). Motivation to combine set forth in claim 1.

As per claim 15, the organizer of claim 10 wherein the processing circuitry is configured to receive the receiving attributes from the participants, and further comprising storage circuitry configured to store the receiving attributes(Kalra, Abstract). Motivation to combine set forth in claim 1.

As per claim 18, the participant of claim 17 wherein the receiving attributes correspond to the respective participant(Kalra, Abstract). Motivation to combine set forth in claim 1.

As per claim 19, the participant of claim 16 wherein the received scaled media data is configured to control the depiction of an initial visual image of a subject, and the interactive commands and data requests correspond to different views of the initial visual image(Molteno, para.0013-0015). Motivation to combine set forth in claim 1.

As per claim 21, the participant of claim 20 wherein the addressing values correspond to subparts of the media data not yet communicated from the source to the participant at the time of the formulation of the data requests(Molteno, para.0022).

Motivation to combine set forth in claim 1

As per claim 23, the article of claim 22 wherein the programming is configured to cause processing circuitry to communicate an initial one of the subparts corresponding to an initial visual image to be depicted by the participants, and the data requests are received in the organizer responsive to the communication of the initial subpart(Molteno, para.0013-0015). Motivation to combine set forth in claim 1.

As per claim 28, the system of claim 27 wherein the participant means individually comprise means for depicting visual images for communicating the received media data to the respective users(Kalra, Abstract, col.2, lines 8-15). Motivation to combine set forth in claim 1.

As per claim 29, the system of claim 28 wherein the inputs correspond to different views of a given visual image as provided by the users, and the data requests comprise requests for subparts corresponding to the different views(Molteno, para.0013-0015). Motivation to combine set forth in claim 1.



As per claim 30, the system of claim 27 wherein the participant means comprises means for communicating respective different receiving attributes to the organizer(Kalra, Abstract, col.2, lines 8-15). Motivation to combine set forth in claim 1.

As per claim 32, the system of claim 27 wherein the organizer means comprises means for communicating an index of the media data to the participant means(Molteno, para.0022). Motivation to combine set forth in claim 1.

As per claim34, the system of claim 33 wherein the organizer means comprises means for accessing the addressing values and for identifying the requested subparts using the addressing values(Molteno, para.0022). Motivation to combine set forth in claim 1.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BT

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